

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1336 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANSUKHLAL JADVJIBHAI NAKUM

Versus

PRINCIPAL

Appearance:

MR SN BHATT for Petitioner

SERVED for Respondent No. 1

MR DA BAMBHANIA for Respondent No. 2, 3

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 31/01/97

ORAL JUDGEMENT

Mansukhlal Jadavjibhai Nakum has filed the present petition against the Saurashtra University as well as the Principal of D.K.V.Arts & Science College, Jamnagar and the State of Gujarat.

2. The petitioner was a student of respondent no.1

college for the Sy.B.A. class for the academic year 1993-94 and he was to appear for the examination of Sy. B.A. to be held in November 1994. It seems that he had not filled in the examination admission form within the due date but as there was extension of the due date, he had filled in his admission form by paying necessary fees as well as penalty-late fee for filing the form late on 2.11.94. The examinations were to start on 26.11.94. When the petitioner went to the examination hall he found that there was no displaying of his name in the examination hall. He therefore, produced his receipt for filling in the examination admission form and other documents to the person incharge of the examination and on satisfying him, he was allowed to appear in the said examination. But when the result of the said examination was declared, his result was not declared and the same was withheld. He therefore, approached the college as well as the University for getting the result of his examination. The college had informed him that they had taken all the necessary steps to see that his results be declared; whereas the University informed him that they had not received the examination admission form from his college. The University had also informed accordingly the college of the present petitioner. Thus the University was claiming that as they had not received the admission form the college of petitioner, they were not in a position to declare his result; whereas the college was informing him that they had taken necessary steps to see that his result is declared. Hence he has come before this court. As there was mistake on the part of the college in not forwarding the admission form within the stipulated time to the University, they requested the University to condone the delay in forwarding the the form of the petitioner and had requested the University to declare the result of the petitioner. As against this

he University has taken a stand that as they had not received the form of the petitioner even till the date of declaration of the result, they were not in a position to declare his result.

3. But one thing is quite clear from the contentions of the parties that it is not either the contention of respondent no.1 or the university that the petitioner was in any way disqualified for appearing for the said examination either on account of non passing in the earlier examination or on account of inadequate attendance. The respondent no.1 has admitted that the petitioner has given his form with the necessary fees and thereafter they had failed to forward the same to the University in time . They had requested the University

to accept the said form and had also shown willingness to pay necessary penalty, if necessary, to be paid to the University by the college. In the circumstances the University ought to have taken proper and reasonable view in the matter and to see that a student does not suffer on account of the mistake on the part of the staff of the college. Though the petitioner was fulfilling all the conditions for appearing in the said examination and when he had actually appeared in the said examination, there is no purpose in withholding his result on account of the mistake committed by the college. I would therefore direct the respondent no.2 University to declare his result of his Sy.B.A. examination conducted in November 1994 within one month from the date of receipt of this writ. The University is at liberty to take appropriate action against respondent no.1 for its failure to forward the examination admission form to the University. In the circumstances I direct the parties to bear their own costs. Rule is made absolute. Writ be sent to the University immediately. D.S.P.

(S.D.Pandit.J)